

SENATE BILL 2989

By Herron

AN ACT to amend Tennessee Code Annotated, Title 50, Chapter 6, relative to exempting certain employers and employees from provisions of the Workers' Compensation Law on religious grounds.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 6, Part 1, is amended by adding the following as a new section:

§ 50-6-135.

(a) An employer may file an application with the department of labor and workforce development to be exempted from the provisions of this act with respect to certain employees. The application shall include a written waiver by the employee of all benefits under the act and an affidavit by the employee indicating the employee's membership within a recognized religious sect or division thereof and adherence to established tenets or teachings of such sect or division by reason of which the employer is conscientiously opposed to acceptance of the benefits of any public or private insurance which makes payments in the event of death, disability, old age or retirement or makes payments toward the cost of, or provides services for medical bills (including the benefits of any insurance system established by the Federal Social Security Act 42 U.S.C. 301 et seq.).

(b) The waiver and affidavit required by subsection (a) shall be made upon a form to be provided by the department.

(c) Such application shall be granted if the department shall find that:

(1) The employee is a member of a sect or division having the established tenets or teachings referred to in subsection (a); and

(2) It is the practice, and has been for a substantial number of years, for members of such sect or division thereof to make provision for their dependent members which in its judgment is reasonable in view of their general level of living.

Receipt of a form required by subsection (b) shall be considered prima facie proof that this subsection has been complied with.

(d) When an employee is a minor, the waiver and affidavit required by subsection (a) may be made by guardian of the minor.

(e) An exception granted with regard to a specific employee shall be valid for all future years unless such employee or sect ceases to meet the requirements of subsection (a).

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.